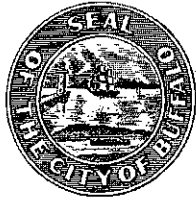


Exhibit 5



CITY OF BUFFALO
DEPARTMENT OF LAW



BYRON W. BROWN
MAYOR

TIMOTHY A. BALL
CORPORATION COUNSEL

December 20, 2017

STATE OF NEW YORK
Office of the Attorney General
Attn.: Lourdes M. Rosado, Esq.
120 Broadway
New York, NY 10271
lourdes.rosado@ag.ny.gov

RE: *New York State Office of the Attorney General Investigation of
Buffalo Police Department Policing Practices*

Dear Ms. Rosado,

Thank you for your December 6, 2017 letter. We appreciate the opportunity to respond to your inquiries and ask that you accept the following as our good faith effort to provide the requested information.

I have attempted to locate all responsive documents in the time frame you identified. Given the extent of your inquiries and the timing of your letter, however, it is possible that I have not been able to locate every such document at this time.

As you may be aware, there have been a number of requests for information regarding checkpoints from various parties. As we have expressed in our responses to various FOIL requests, data maintained by the Buffalo Police Department is generally searchable using specific "fields" as limiting factors. After a diligent effort we have been unable to determine a way to search for information based on the limiting factor of "checkpoints," and we therefore have had to rely on manual searches and reproduction, which is far more time consuming and labor intensive.

As such, we will likely be supplementing this response as more information and documentation is received and processed by our Department. I would respectfully ask that this not be construed as anything other than a continuing process in light of these issues that we are working through.

1. The instructions and guidelines provided to Buffalo Police Department Officers include curriculum of the initial police academy and ongoing service training in all areas of policing, the Buffalo Police Department's Manual of Procedures, and, as relevant to your inquiry, the Buffalo Police Department Roadblock Directive form, an example of which is enclosed.

2. The policies, practices, and procedures of the City of Buffalo Police Department are generally set forth in the Buffalo Police Department's "Manual of Procedures." I have enclosed the entire Table of Contents, for your review, and Chapter 8, Section 10.15, entitled Traffic Checkpoints. If there are any other sections you would like to review, please advise and I will supplement this response.

3. The enclosed documents should provide enough information to determine the date and location of the identified checkpoints. I have attempted to make clear copies, but some of the information is often handwritten, so please contact the undersigned if you have any difficulty reading or interpreting what has been provided. The information appears to be mostly self-explanatory, but if there is any information which is unclear, please advise and I will attempt to explain.

I note that our Police Department has expressed serious reservations about the public dissemination of the specific location information, out of concern for officer safety and coordinated avoidance. The issue of release of this information is currently being litigated in State Supreme Court. We therefore respectfully request that this specific location information be kept confidential at this time.

We should also note, to provide context for the documents submitted, that no checkpoints have been conducted by the Buffalo Police Department in approximately 8 weeks and any further checkpoints have been suspended while the Department does a thorough review of all information related to checkpoints to determine the best practices moving forward. The Department welcomes any input and guidance on best practices going forward so that the Buffalo Police Department can continue to monitor and promote roadway safety effectively.

With respect to the rationale for each location, we refer to the language in the Buffalo Police Department's Manual of Procedures and Traffic Checkpoint directives as setting forth the general principles. We are attempting to determine if there are documents which state the specific rationale behind each chosen location and will supplement this response if such documents exist.

In practice, the Department has indicated that the locations are generally based on a non-exclusive combination of Police Department observations, familiarity with traffic patterns, citizen complaints, and other information regarding traffic safety and

motor vehicle accidents, all of which are analyzed on a case by case basis to determine the chosen checkpoint locations. Factors such as proximity to manpower, ease of transport and travel, and concerns over officer safety, may also play a role in evaluating a particular location. Based on experience, there are occasions when successful locations are used more than once.

4. We have attempted to research this request, and have been able to locate the BMHA's Admissions and Continued Occupancy Plan, but are not familiar with the request beyond that document. We will continue to research, but would respectfully ask for further detail on what is being sought by this request so that we can provide a full and complete response.

5. What I understand to be the current Agreement for Police Services between the Buffalo Municipal Housing Authority and the City of Buffalo is enclosed.

6. We are not aware of any documents other than the Agreement for Police Services and the Buffalo Police Department's Manual of Procedures, specifically including Chapter 1, Section 8.5, entitled Housing Unit (BPD HU) and Chapter 3, Section 1.7, entitled Housing Projects, copies of which are also enclosed.

We are currently processing additional requests for documents from the Buffalo Police Department which may yield additional responsive documents and therefore respectfully request the opportunity to supplement these responses as necessary.

We look forward to working with your office to resolve any concerns and ask that you contact that undersigned directly with any questions at (716) 851-4326, after you have had the opportunity to review.

Thank you again for your courtesies in this matter.

Very truly yours,

TIMOTHY A. BALL, ESQ.
Corporation Counsel

A handwritten signature in black ink, appearing to read 'Robert E. Quinn', written over a horizontal line.

Robert E. Quinn
Assistant Corporation Counsel

Encs.